

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

AYODAPO OLADAPO, on behalf of himself
and all others similarly situated,

Plaintiff,

-v-

No. 14 CV 7117-LTS-BCM

SMART ONE ENERGY, LLC,

Defendant.

-----X

ORDER

On November 9, 2017, Magistrate Judge Barbara C. Moses issued a Report and Recommendation (docket entry no. 88, the “Report”) recommending that the parties Uncontested Motion for Preliminary Approval of Class Action Settlement (docket entry no. 80, the “Motion”) be denied without prejudice to renewal in connection with a revised settlement proposal. No objections to the Report have been filed by either party, although Plaintiff’s counsel requested by letter dated November 22, 2017, to withdraw the preliminary approval Motion. (See docket entry no. 89.) The untimely request to withdraw the Motion, which is the subject of the pending Report, is denied.

When reviewing a report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.S. § 636(b)(1) (C) (LexisNexis 2016). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted).

Having reviewed Magistrate Judge Moses's thorough and well-reasoned Report, to which no objection has been made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. Accordingly, Plaintiff's Uncontested Motion for Preliminary Approval of Class Action Settlement is denied without prejudice to renewal in connection with a revised settlement proposal within 60 days. This Order resolves docket entry nos. 80 and 89. This case remains referred to Judge Moses for general pretrial management.

SO ORDERED.

Dated: New York, New York
November 30, 2017

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge